

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
UNITED STATES OF AMERICA :
 :
 : **SUPERSEDING**
 : **INDICTMENT**
 :
 - v. - :
 :
 PHILLIP LLENAS, : S2 14 Cr. 268 (KMK)
 a/k/a "Bemba," :
 FRANKLIN ABREU, :
 SHERMAN ALSTON, :
 a/k/a "Sherm," :
 VICTOR ANDRADES, :
 a/k/a "Fat Man," :
 ANGEL APONTE, :
 a/k/a "A," :
 PHILLIP COTTO, :
 JAMES FERNANDEZ, :
 a/k/a "Burg," :
 a/k/a "Burger," :
 FERNANDO GUERRERO, :
 JOSE PEREYRA, :
 a/k/a "Nano," :
 MENSUR RADONCIC, :
 a/k/a "Stu," :
 KEENAN SOTO, :
 a/k/a "Chinito," and :
 KARL ZARATE, :
 :
 Defendants. :
 :
 - - - - - X

COUNT ONE

The Grand Jury charges:

1. From at least in or about 2013, up to and including in or about April 2014, in the Southern District of New York and elsewhere, PHILLIP LLENAS, a/k/a "Bemba," FRANKLIN ABREU, SHERMAN ALSTON, a/k/a "Sherm," VICTOR ANDRADES, a/k/a "Fat Man," ANGEL APONTE, a/k/a "A," PHILLIP COTTO, JAMES FERNANDEZ, a/k/a

"Burg," a/k/a "Burger," FERNANDO GUERRERO, JOSE PEREYRA, a/k/a "Nano," MENSUR RADONCIC, a/k/a "Stu," KEENAN SOTO, a/k/a "Chinito," and KARL ZARATE, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that PHILLIP LLENAS, a/k/a "Bemba," FRANKLIN ABREU, SHERMAN ALSTON, a/k/a "Sherm," VICTOR ANDRADES, a/k/a "Fat Man," ANGEL APONTE, a/k/a "A," PHILLIP COTTO, JAMES FERNANDEZ, a/k/a "Burg," a/k/a "Burger," FERNANDO GUERRERO, JOSE PEREYRA, a/k/a "Nano," MENSUR RADONCIC, a/k/a "Stu," KEENAN SOTO, a/k/a "Chinito," and KARL ZARATE, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that PHILLIP LLENAS, a/k/a "Bemba," FRANKLIN ABREU, SHERMAN ALSTON, a/k/a "Sherm," VICTOR ANDRADES, a/k/a "Fat Man," ANGEL APONTE, a/k/a "A," PHILLIP COTTO, JAMES FERNANDEZ, a/k/a "Burg," a/k/a "Burger," FERNANDO GUERRERO, JOSE PEREYRA, a/k/a "Nano," MENSUR RADONCIC, a/k/a "Stu," KEENAN SOTO, a/k/a "Chinito," and KARL ZARATE, the defendants, conspired to distribute and possess with the intent to distribute was five kilograms or more of mixtures and

substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A).

4. During the period charged in the Indictment, the conspiracy maintained a stash location for its cocaine at a residence on Orloff Avenue in the Bronx, New York. The conspiracy is referred to below as the Orloff Organization.

5. During the period charged in the Indictment, the Orloff Organization distributed cocaine in and around Westchester County, New York; Orange County, New York; Albany County, New York; and the Bronx, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

6. On or about May 8, 2014, in the Southern District of New York, PHILLIP COTTO, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm.

(Title 18, United States Code, Sections 924(c)(1)(A)(i).)

COUNT THREE

The Grand Jury further charges:

7. On or about May 8, 2014, in the Southern District of New York, PHILLIP COTTO, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting commerce a firearm, to wit, a Hi-Point 9 Millimeter handgun, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1).)

FORFEITURE ALLEGATION

8. As a result of committing the controlled substance offense alleged in Count One of this Indictment, PHILLIP LLENAS, a/k/a "Bemba," FRANKLIN ABREU, SHERMAN ALSTON, a/k/a "Sherm," VICTOR ANDRADES, a/k/a "Fat Man," ANGEL APONTE, a/k/a "A," PHILLIP COTTO, JAMES FERNANDEZ, a/k/a "Burg," a/k/a "Burger," FERNANDO GUERRERO, JOSE PEREYRA, a/k/a "Nano," MENSUR RADONCIC, a/k/a "Stu," KEENAN SOTO, a/k/a "Chinito," and KARL ZARATE, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendants obtained directly or indirectly as a result of the violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violation alleged in Count

One of this Indictment, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense.

Substitute Assets Provision

9. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1) and 853.)


FOREPERSON


PREET BHARARA
United States Attorney

